

## REMARKS

Reconsideration of this application, as amended, is respectfully requested.

Initially, the Applicants would like to thank the Examiner for the continued indication that all of the claims of record, namely claims 6-15, contain allowable subject matter.

In the Official Action, the Examiner rejects claims 6-15 under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Specifically, the Examiner argues that the specification is not enabling with respect to independent claims 6 and 11. In this regard, the Examiner argues that the specification discloses at page 10, lines 5-12 that the “interconnecting portions” have a smaller diameter than the diameter of pores, however, claims 6 and 11 disclose interconnecting portions having a diameter (100  $\mu\text{m}$ ) bigger than the porous body having a diameter ranging from 0.01  $\mu\text{m}$  to 2000  $\mu\text{m}$ .

Although Applicants submit that claims 6 and 11 are enabled to those of ordinary skill in the art, Applicants have amended to specification to clarify that the interconnecting portion is a junction or junction portions formed between neighboring pores that have a smaller diameter than the diameter of the neighboring pores.

The amendment to the specification is supported in the specification, particularly at the paragraph beginning at page 9, line 26 and at claims 6 and 11. Those of ordinary skill in the art, upon a reading of the specification, claims and drawings, would understand the above-amended definition of interconnecting portions in order to resolve any perceived inconsistency with the claims. The amended sentence recites that the interconnecting portion is a junction between neighboring pores. The amended sentence goes

on to indicate that the junction has a smaller diameter than the diameter of pores, referring back to the neighboring pores. The amendment now expressly recites what was previously inherent to those of ordinary skill in the art. Thus, no new matter has been entered into the disclosure by way of the present amendment to the specification.

Claim 6 recites an artificial bone comprising a ceramic porous body having a number of pores of diameters from 0.01  $\mu\text{m}$  to 2000  $\mu\text{m}$ . Claim 6 further recites Interconnecting portions. The interconnecting portions interconnect the pores and also have various diameters. However, the diameter of each interconnecting portion is smaller than the pores that it interconnects. This does not mean that the diameters of all interconnecting portions are smaller than 0.01  $\mu\text{m}$ , but means that the diameter of an interconnecting portion is smaller than the neighboring pores that are interconnected. As discussed above, the specification has been amended to clarify this intended definition of interconnecting portions.

By way of example only and not to limit the scope or spirit of the claimed invention, the following interconnecting portions may exist.

(1) an interconnecting portion having a diameter of 0.0009  $\mu\text{m}$ , which interconnects pores having a diameter of 0.01  $\mu\text{m}$ ;

(2) an interconnecting portion having a diameter of 100  $\mu\text{m}$ , which interconnects pores having a diameter of 200  $\mu\text{m}$ ; and

(3) an interconnecting portion having a diameter of 1000  $\mu\text{m}$ . which interconnects pores having a diameter of 2000  $\mu\text{m}$ .

As described above, interconnecting portions of various diameters exist according to the diameters of neighboring pores that are interconnected. The pores, which are interconnected by an interconnecting portion, do not necessarily all have the same diameter.

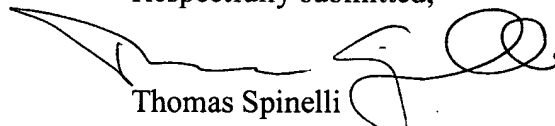
With a configuration as recited in claim 6, the ratio in volume of the interconnecting portions of relatively large diameters to the entire porous body is more than the predetermined value, so that cells can easily enter the porous body. More specifically, the total volume "A" of pores, which are interconnected through interconnecting portions having a diameter of 100  $\mu\text{m}$  or more, is 5% or more of all interconnecting portions. This does not disallow the existence of an interconnecting portion having a diameter less than 100  $\mu\text{m}$ .

However, since the description in the specification, page 10, lines 5 to 8 may be interpreted as all interconnecting portions having diameters smaller than the diameters of all pores, i.e., 0.01  $\mu\text{m}$ , the same has been amended as discussed above.

Accordingly, it is respectfully requested that the rejection of claims 6-15 under 35 U.S.C. § 112, first paragraph, be withdrawn.

In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicant's attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully submitted,



Thomas Spinelli  
Registration No.: 39,533

Scully, Scott, Murphy & Presser  
400 Garden City Plaza, Suite 300  
Garden City, New York 11530  
(516) 742-4343  
TS:cm